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SUBJECT: KHMER ROUGE TRIBUNAL: S/WCI AMBASSADOR WILLIAMSON
BEGINS TALKS ON ANTI-CORRUPTION MECHANISM

REF: A. SIMONOFF-WEST-WILLIAMSON EMAIL (5/19/09)

[1](#)B. PHNOM PENH 316

[1](#)C. PHNOM PENH 264

Classified By: AMBASSADOR CAROL A. RODLEY FOR REASONS 1.4 (B, D)

[1](#)1. (C) SUMMARY: Deputy Prime Minister Sok An May 20 warmly welcomed Ambassador at Large for War Crimes Issues Clint Williamson's proposal to mediate differences between Sok An and UN Office of Legal Affairs (UN/OLA) Assistant Secretary General Peter Taksoe-Jensen over an anti-corruption mechanism in the Khmer Rouge Tribunal (Ref C), noting that he fully supported such a role and that he hoped Ambassador Williamson could help Cambodia's work with the UN to achieve fruitful cooperation. Overcoming an initial wariness about the new proposal, Sok An embraced the concept of a radically simplified and streamlined anti-corruption mechanism described as being more preventative and deterrent than investigative. Sok An was especially drawn by the concept that a single "Counselor" position could be a Cambodian national and acknowledged that such an individual would have to be mutually acceptable to both parties. Donors in a separate May 21 meeting with Sok An gave their full support to the proposed new mechanism. As with any of the anti-corruption mechanisms proposed so far, the devil will be in the details; but the initial meetings with Sok An indicate that a way has been found to advance a credible anti-corruption mechanism at the court and to re-focus efforts on support for the judicial proceedings. END SUMMARY.

Close the Gap on Anti-Corruption, Achieve More KRT Successes

[1](#)2. (C) Flanked by eight high-level staff from the Council of Ministers and the Extraordinary Chambers in the Courts of Cambodia (ECCC), including Secretaries of State Chan Tany and Heng Vong Bunchatt and ECCC Acting Director Tony Kranh, DPM Sok An first reviewed the successes of the Khmer Rouge Tribunal (KRT) to date, before noting that some observers have ignored the progress made in order to deliberately discredit the ECCC. In an introduction, Ambassador Rodley emphasized that in order to have more public acknowledgment of the KRT's successes, it was important that the UN and the RGC accept the help of their mutual good friends in order to close the very narrow gap between their positions and to get to a solution on anti-corruption. After dealing with the corruption allegations, the Ambassador continued, both parties and the donors could pay more attention to the other issues at the court in order and achieve sustained progress

on the judicial front and the administrative support required for that success.

The Proposal

¶3. (C) Noting that it was preliminary and subject to direct discussion between the UN and the RGC, Ambassador Williamson outlined a proposal he said he had reviewed in broad outline with UN ASYG Taksoe-Jensen: a single counselor to handle all complaints of misconduct at the KRT. The counselor would first approach the accused wrongdoer to determine the facts and, when required, tell the individual to cease and desist. Failing that measure, the counselor would then consult with either the Cambodian or the UN side, whichever had responsibility for the wrongdoer. Either Sok An or Peter Taksoe-Jensen would be asked to intervene to halt the inappropriate activity. The terms of reference for the counselor would include quiet, discrete action so as not to embarrass individuals or cause damage to the court's reputation. The idea is to prevent wrongful actions, so that no investigation would be necessary. The counselor would keep all information confidential so that there would be no spectacle that would detract from the work of the court.

¶4. (C) Sok An first assumed that the counselor position would be filled by an international under the supervision of the UN and went on at length about "going back to square one," noting that the UN-RGC joint statement of February 23 had many elements missing in the new proposal. However, when informed that the far simpler counselor position could be

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filled by any individual mutually acceptable to both parties, including a Cambodian, Sok An immediately warmed to the idea.

Sok An's most immediate concern was the appointment mechanism for the new position. Ambassador Williamson replied that the two sides would have to work out the fine details, including the mode of appointment, but that it was important that the individual had credibility in the eyes of both. The reputation of the individual was very, very important, Ambassador Williamson underscored. Sok An acknowledged that the principle seemed to be good and added that it would now be important to discuss the details of implementation and move forward.

¶5. (C) Sok An said that he fully supported Ambassador Williamson's role and that Sok An hoped he would play that role to work with the UN. Looking forward to a second meeting scheduled for late on May 22, Sok An said that the two sides could then discuss important details so that later he could have fruitful talks with ASYG Taksoe-Jensen. Later, Sok An referred to the mediating role the U.S. had played in earlier negotiations on the KRT, noting that a balance had been achieved in the hybrid tribunal between the sovereignty of Cambodia and the integrity of the UN. These were two basic pillars of the court, he said. In closing, Sok An recalled the positive role the U.S. had played in supporting Cambodia for inscription of the Preah Vihear temple complex as a UNESCO World Heritage site. "When we cooperate, we succeed," he exclaimed.

¶6. (C) On May 21, the Ambassador hosted chiefs of mission from six other ECCC donor nations to preview their joint call on Sok An that afternoon. Based on consensus at that meeting, the Ambassadors from France, Japan, U.S., U.K., and Australia, joined by the E.U. Charge, met with Sok An to give their support for the radically simpler and streamlined anti-corruption mechanism. Although no names were mentioned, the group of core donors raised the profile of the counselor as an important consideration. Sok An told donors that he understood and embraced the proposal Ambassador Williamson had made and that he was interested in using the remainder of Ambassador Williamson's time in country to discuss the necessary details to make it work for the UN and the donor community.

COMMENT

17. (C) At the end of the day, the May 20 discussion of the new anti-corruption mechanism went very well. It is too early to say if this mechanism will come to pass, but it appears that the current roadblock in UN-RGC negotiations may have lifted and that a new way may be found to establish an anti-corruption mechanism to address any potential threats to the administration of the KRT. As Ambassador Williamson witnessed on May 21, the judicial side of the court continues to progress in the ongoing trial of S-21 torture center head Kaing Guek Eav, also known as Duch.

18. (U) Ambassador Williamson has cleared this cable.
RODLEY